EPA SLN No. CO110002

SLN CO110002
John Hebert to: Quakenbush, Laura 08/05/2011 06:09 PM
Cc: "Scott, John", Meredith Laws, Anita Pease, "Glass, Judy"

Laura - As I think you are aware, Kansas is planning on issuing a Rozol Prairie Dog Bait SLN very similar to CO110002. Judy Glass (State Lead for KS) shared with me the following email FWS provided when they were asked to comment on mechanical baiting:

Ms. Glass;

Thank you for providing the information, including the many photos, supporting this proposal. As we discussed on the phone, our primary concern is the availability of this product to non-target species, and it appears that using the proposed mechanical baiter may result in a reduction in this availability. Therefore, we believe this proposal is not likely to adversely affect any federally-listed or proposed species, and there is no need for further consultation on the action.

Please keep in mind that the Fish and Wildlife Service and the Environmental Protection Agency are undergoing formal section 7 consultation on the authorization of chlorphacinone for widespread prairie dog control in the U.S. Our concurrence with your current proposal will not supercede any outcome of that consultation, nor is it an indication of the Service's position on the use of this product for prairie dog control.

If you have additional comments or questions please contact me again.

Dan Mulhern
US Fish and Wildlife Service
2609 Anderson Avenue
Manhattan, KS 66502
785-539-3474, ext 109

If KS does issue the Rozol SLN for mechanical baiting, this FWS correspondence will be part of their submission to EPA. My question to you is have you asked your regional FWS office for their feedback on mechanical baiting? If you don't mind, I'll give you a call next week to discuss this. Thanks.

John Hebert, PM7
Insecticide-Rodenticide Branch
Registration Division
Office of Pesticide Programs
703-308-6249

Sue

→ did not run it by them b/c ~~they~~ knew what ~~they~~ their opinion was on it already —
— Colorado local office —
— Confidentiality — issue of sharing

NEW APPLICATIONS

DATE: 06-23-2011

FILE NUMBER: C011ooo2

FEP (OPPIN ENTRY) BP - 06.23.2011
(Initial and Date)

FILE ROOM: _____
(Initial and Date)

SIG: _____
(Initial and Date)

FILE ROOM: _____
(Initial and Date)

✓ ASSIGN TO PM 09 (NO DATA)

_____ JACKET TO SHELF (DATA)

RE: Colorado SLN approval for use of application equipment for Rozol Prairie Dog Bait
Quakenbush, Laura
to:
Debra Rate, John Hebert
06/22/2011 03:38 PM
Cc:
"Thomas Schmit", "Scott, John"
Hide Details
From: "Quakenbush, Laura" <Laura.Quakenbush@ag.state.co.us>

To: Debra Rate/DC/USEPA/US@EPA, John Hebert/DC/USEPA/US@EPA

Cc: "Thomas Schmit" <SchmitT@liphatech.com>, "Scott, John" <John.Scott@ag.state.co.us>

1 Attachment

LQ report of efficacy study and bait placement.pdf

I forgot to include one of the attachments. I reworked some of the bait placement data from Liphatech's 2006/07 efficacy study (MRID 47267701)

Laura Quakenbush
303-239-4147

From: Quakenbush, Laura
Sent: Wednesday, June 22, 2011 1:23 PM
To: Rate.Debra@epamail.epa.gov; 'hebert.john@epa.gov'
Cc: 'Laura_Archuleta@fws.gov'; Craig R. McLaughlin (craig.mclaughlin@state.co.us); Craig R. McLaughlin (craig.mclaughlin@state.co.us); 'Thomas Schmit'; Perreault.Peg@epamail.epa.gov; Scott, John
Subject: Colorado SLN approval for use of application equipment for Rozol Prairie Dog Bait

Colorado has recently approved the following SLN.

CO-110002. Rozol Prairie Dog Bait (EPA reg. no. 7173-286). For application by mechanical bait placement machine that allows hand-positioning of application tube.

- Active ingredient: chlorophacinone 0.005%
- Date issued: June 17, 2011
- Expiration Date: March 15, 2012.
  - Use period begins on October 1, 2011

We are still waiting for the "final" SLN label from Liphatech, but the enclosed draft label is only missing the SLN number. Upon John Hebert's requested, I am submitting this now without the final SLN label.

The entire submission is combined into the attached pdf file. I have also attached the word version of the 6-page notification letter. (the pdf version had to be scanned, since my computer has stopped converting word documents to pdf directly.)

Laura Quakenbush, Ph.D
Pesticide Registration Coordinator
Colorado Dept. of Agriculture
303-239-4147
fax: (303-239-4177)

Form Approved. OMB No. 2070-0055.

United States Environmental Protection Agency
Office of Pesticide Programs, Registration Division (7505C)
Washington, DC 20460

Application for/Notification of State Registration of a Pesticide To Meet a Special Local Need

(Pursuant to section 24(c) of the Federal Insecticide, Fungicide, and Rodenticide Act, as Amended)

For State Use Only

Registration No. Assigned: CO-110002

Date Registration Issued: June 17, 2011

1. Name and Address of Applicant for Registration

Liphatech, Inc.
3600 W. Elm Street
Milwaukee, WI 53209

2. Product is (Check one)

- [X] EPA-Registered — EPA Registration Number: 7173-286
- [ ] New (not EPA-registered) — Attach EPA Form 8570-4, Confidential Statement of Formula for new products. — EPA Company Number: 7173-WI-1

3. Active Ingredient(s) in Product

chlorophacinone

4. Product Name

Rozol Prairie Dog Bait

5. If this is a food/feed use, a tolerance or other residue clearance is required. Cite appropriate regulations in 40 CFR Part 180, 185, and/or 186. Not a food or feed use

6. Type of Registration (Give details in Item 13 or on a separate page, properly identified and attached to this form):

- [ ] a. To permit use of a new product.
- [X] b. To amend EPA registrations for one or more of the following purposes:
  - [ ] (1) To permit use on additional crops or animals.
  - [ ] (2) To permit use at additional sites.
  - [ ] (3) To permit use against additional pests.
  - [X] (4) To permit use of additional application techniques or equipment.
  - [ ] (5) To permit use at different application rates.
  - [ ] (6) Other (specify below)

7. Nature of Special Local Need (check one)

- [ ] There is no pesticide product registered by EPA for such use.
- [X] There is no EPA-registered pesticide product which, under the conditions of use within the State, would be as safe and/or as effective for such use within the terms and conditions of EPA registration.
- [ ] An appropriate EPA-registered pesticide product is not available.

8. If this registration is an amendment to an EPA-registered product, is it for a "new use" as defined in 40 CFR 152.3 ?

- [ ] Yes (Answer in Item 13 below)
- [X] No

9. Has an EPA Registration or Experimental Use Permit for this chemical ever been (check applicable box(es), if known):

- [X] Sought
- [X] Issued
- [ ] Denied
- [ ] Cancelled
- [ ] Suspended
- [X] Registration
- [X] Experimental Use Permit
- [ ] No Previous Permit Action

10. Has FIFRA section 24(c) registration for this use of the product ever, by another State, been (check appropriate box(es), if known):

- [X] Sought
- [X] Issued
- [ ] Denied
- [ ] Revoked

If any of the above are checked, list States in Item 13 below.

- [ ] No FIFRA section 24(c) Action

11. Endangered Species Act: (Give details in Item 13 or on a separate page, properly identified and attached to this form) See attached

Identify the counties where this pesticide will be used. If Statewide, indicate "all." Provide a list of Federally protected endangered/threatened species which occur in the areas of proposed use. All

Certification

I certify that the statements I have made on this form and all attachments thereto are true, accurate, and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law.

12. Indicate use status of Special Local Need, i.e., planned dates of use: From: ~~12/27/2010~~ Oct 1, 2011 To: ~~03/15/2011~~ March 15, 2012 1Q

Signature of Applicant or Authorized Representative

Thomas Schut

Title

Manager of Regulatory Affairs

Telephone Number

(414) 410-7230

Date

12/21/10

13. Comments (attach additional sheet, if needed)

The proposed SLN would allow Rozol Prairie Dog Bait to be applied using mechanical application equipment, in addition to the "hand baiting" technique specified on the product label. As SLN label allowing such mechanical bait placement was issued by the Kansas Department of Agriculture on December 14, 2010.

Determination by State Agency

This registration is for a Special Local Need and is being issued in accordance with section 24(c) of FIFRA, as amended. To the best of our knowledge, the information above is correct, except as noted in "Comments" below or in attachments.

Name, Title, and Address of State Agency Official

Laura Quakenbush
pesticide registration coordinator
Colorado Dept of Agriculture
700 Kipling, Ste. 4000
Lakewood, CO 80401

Title

Laura Quakenbush

Telephone Number

~~303-239-4140~~ 303-239-4147.

Date

June 17, 2011

Comments (by State Agency Only)

Received by EPA

EPA Form 8570-25 (Rev. 1-94)

EPA COPY

RESTRICTED USE PESTICIDE

DUE TO POTENTIAL SECONDARY TOXICITY TO NONTARGET ORGANISMS

For retail sale to and use only by Certified Applicators or persons under their direct supervision and only for those uses covered by the Certified Applicator's certification.

24(c) SUPPLEMENTAL LABEL

FOR DISTRIBUTION AND USE ONLY WITHIN THE STATE OF COLORADO

This label valid only from October 1, 2011, until March 15, 2012, or until otherwise amended, disapproved or withdrawn

This will be coming on final label.

rozol® PRAIRIE DOG BAIT

EPA SLN No. CO- EPA Registration No. 7173-286 EPA Est No. 7173-WI-1

FOR APPLICATION BY MECHANICAL BAIT PLACEMENT MACHINE THAT ALLOWS HAND-POSITIONING OF APPLICATION TUBE

TO CONTROL BLACK-TAILED PRAIRIE DOGS (*Cynomys ludovicianus*) ON RANGELAND AND ADJACENT NONCROP AREAS

DIRECTIONS FOR USE

It is a violation of Federal Law to use this product in a manner inconsistent with its labeling, which includes this supplemental label and the label for Rozol Prairie Dog Bait, EPA Reg. No. 7173-286. Both of these labels must be in the possession of the user at the time of application. Follow all directions of this supplemental label and all applicable directions, restrictions and precautions on the label for EPA Reg. No. 7173-286.

Use restrictions: This product may only be used in underground applications to control black-tailed prairie dogs (*Cynomys ludovicianus*) on rangeland and noncrop areas in Colorado. Apply between October 1 and March 15 of the following year, when animals will most readily take the grain bait. This product is toxic to nontarget wildlife and fish. Do not allow bait to be placed outside of the prairie dog burrow. Do not allow children, pets, domestic animals or persons not involved in the application to be in the area where the product is being applied. Do not allow livestock to graze in treated areas for 14 days after treatment and when no bait is found above ground. Before applying this product, identify active prairie dog burrows by visual observation. The openings of active burrows will generally be free of leaves, seeds, other debris or spider webs, and will show freshly turned earth, and have prairie dog feces nearby.

Application: Apply 1/4 cup (53 grams or nearly 2 ounces) of bait at least 6 inches down active prairie dog burrows. Application may be made using a mechanical bait application machine that allows hand-positioning of the application tube. End of application tube must be no more than 6 inches above soil surface when bait is released, and must direct bait into prairie dog holes such that all bait is placed 6 inches or more below the surface. Application equipment must be designed, constructed and operated in a manner that ensures that bait is properly placed at least 6 inches down the prairie dog burrows. **Make sure no bait is left on the soil surface at the time of application.** Applicator must retrieve and dispose of any bait that is spilled above ground or placed less than 6 inches down the burrow entrance. Mechanical bait application machines must be calibrated to ensure that the proper amount of bait is dispensed into each prairie dog burrow.

Follow-up: The applicator must return to the site within 4 days after bait application, and at 1 to 2 day intervals, to collect and properly dispose of any bait or dead or dying prairie dogs found on the surface. The applicator must follow all label instuctions for conducting carcass searches, proper disposal of carcasses, and reapplication. (052711)

24(c) registrant

LIPHATECH®

Liphatech, Inc.
3600 W. Elm Street
Milwaukee, WI 53209
(414) 351-1476

RESTRICTED USE PESTICIDE

DUE TO POTENTIAL SECONDARY TOXICITY TO NONTARGET ORGANISMS

For retail sale to and use only by Certified Applicators or persons under their direct supervision and only for those uses covered by the Certified Applicator's certification.

24(c) SUPPLEMENTAL LABEL

FOR DISTRIBUTION AND USE ONLY WITHIN THE STATE OF COLORADO

This label valid only from October 1, 2012, until March 15, 2013, or until otherwise amended, disapproved or withdrawn

rozol® PRAIRIE DOG BAIT

EPA SLN No. CO- 110002 EPA Registration No. 7173-286 EPA Est No. 7173-WI-1

FOR APPLICATION BY MECHANICAL BAIT PLACEMENT MACHINE THAT ALLOWS HAND-POSITIONING OF APPLICATION TUBE

TO CONTROL BLACK-TAILED PRAIRIE DOGS (*Cynomys ludovicianus*) ON RANGELAND AND ADJACENT NONCROP AREAS

DIRECTIONS FOR USE

It is a violation of Federal Law to use this product in a manner inconsistent with its labeling, which includes this supplemental label and the label for Rozol Prairie Dog Bait, EPA Reg. No. 7173-286. Both of these labels must be in the possession of the user at the time of application. Follow all directions of this supplemental label and all applicable directions, restrictions and precautions on the label for EPA Reg. No. 7173-286.

Use restrictions: This product may only be used in underground applications to control black-tailed prairie dogs (*Cynomys ludovicianus*) on rangeland and noncrop areas in Colorado. Apply between October 1 and March 15 of the following year, when animals will most readily take the grain bait. This product is toxic to nontarget wildlife and fish. Do not allow bait to be placed outside of the prairie dog burrow. Do not allow children, pets, domestic animals or persons not involved in the application to be in the area where the product is being applied. Do not allow livestock to graze in treated areas for 14 days after treatment and when no bait is found above ground. Before applying this product, identify active prairie dog burrows by visual observation. The openings of active burrows will generally be free of leaves, seeds, other debris or spider webs, and will show freshly turned earth, and have prairie dog feces nearby.

Endangered Species: It is a Federal offense to use any pesticide in a manner that results in the death of an endangered species. Use of this product may pose a hazard to endangered or threatened species. When using this product, you must follow the measures contained in the Endangered Species Protection Bulletin for the county in which you are applying the product. To obtain Bulletins, no more than six months before using this product, consult http://www.epa.gov/espp/ or call 1-800-447-3813. You must use the Bulletin valid for the month in which you will apply the product.

Application: Apply 1/4 cup (53 grams or nearly 2 ounces) of bait at least 6 inches down active prairie dog burrows. Application must only be made as directed on the container label (e.g. hand application) or by use of a mechanical bait application machine that allows hand-positioning of the application tube. The end of the application tube must be no more than 6 inches above soil surface when bait is released, and must direct bait into prairie dog holes such that all bait is placed 6 inches or more below the surface. Application equipment must be designed, constructed and operated in a manner that ensures that bait is properly placed at least 6 inches down the prairie dog burrows. **Make sure no bait is left on the soil surface at the time of application.** Applicator must retrieve and dispose of any bait that is spilled above ground or placed less than 6 inches down the burrow entrance. Mechanical bait application machines must be calibrated to ensure that the proper amount of bait is dispensed into each prairie dog burrow.

Follow-up: The applicator must return to the site within 4 days after bait application, and at 1 to 2 day intervals, to collect and properly dispose of any bait or dead or dying prairie dogs found on the surface. The applicator must follow all label instuctions for conducting carcass searches, proper disposal of carcasses, and reapplication. (071312)

24(c) registrant

LIPHATECH®
Liphatech, Inc.
3600 W. Elm Street, Milwaukee, WI 53209
(414) 351-1476

Comparison of Bait location and amount for Rozol Prairie Dog Bait, applications made by hand vs. applications made with application equipment.

By Laura Quakenbush, Pesticide Registration Coordinator, Colorado Dept of Agriculture
June 13, 2011

Reworking of data and information from:

- "Field Efficacy and Hazards of Rozol Bait for Controlling Black-tailed Prairie Dogs (Cynomys ludovicianus). Lee and Hygnstrom, 2007.
- Statistical Analysis of Bait Placement in a Prairie Dog Efficacy Study. Charles Lee, 2011.

Introduction: Colorado Department of Agriculture is currently considering an application from Liphatech, Inc. for a Special Local Need FIFRA 24(c) registration that would allow the use of mechanical application equipment to apply Rozol Prairie Dog Bait (EPA reg. # 7173-286) for prairie dog control. The efficacy study that was submitted to CDA in 2007 for an earlier SLN request included testing in many locations (Lee and Hygnstrom, 2007). For some of these locations, bait was applied by hand, at others it was applied by application equipment, and at others it was applied by both methods.

Liphatech recently provided us with the report "Statistical analysis of bait placement in a prairie dog efficacy study" (Lee, 2011), which used the observations on bait location and amount that were generated in the 2006/07 efficacy study. He performed one-way ANOVA statistical analyzes to look at the effect of application method. The analysis failed to establish a statistically significant effect of application equipment for all but one of the 56 analyzes done.

When I looked through the raw data sheets for observations on bait placement, it appeared that the largest category of bait amount (>100 grains of wheat bait) may have been observed most often at burrows where the location of bait marked was >6" below the surface down the burrow. This is the location that is mandated by the current label directions for Rozol Prairie Dog Bait ("Rozol PDB") so should not be a consideration for whether hand applications are better than mechanical applications.

I prepared my own data summary from the raw data sheets included with the original 2007 report to look at frequency and amount of bait found outside of the labeled application site for Rozol PDB (e.g. bait observed on the surface or less than 6 inches down the burrow).

Method summary: From October, 2006 through March of 2007, Rozol PDB was applied to prairie dog colonies at 10 different sites. Applications were made by hand at 4 sites, made with application equipment at 3 sites, and with a mixture of hand and equipment methods at 3 sites. I only included those that used one method or the other, not the sites that used a mixture of both application methods.

According to Lee and Hygnstrom, 2007, bait application was made such that all of the bait was at least 6 inches into the burrow, and any bait spilled on the ground or placed less than 6 inches down the burrow was removed before moving on to the next burrow. The day of application was designated as "Day 0". For the next 7 days (designated as Day 1 – Day 7) 50 burrows for each site along a transect line were examined. A single record page listed all these choices for all 50 burrows for one observation day.

For each burrow, the observer circled one choice for the following:

Bait Visible?	Yes	No	
Location:	surf	0-6"	>6"
Approx number Of grains visible:	<25	25-100	>100

Only one choice was circled for each "question".

I have assumed that the "worst" location where bait was seen was selected. For example: If any was seen on the surface this was circled regardless of bait presence down the burrow; if none was on the surface and some was seen at both 2-3 inches and also below 6 inches, then 0-6" was selected.

I have also assumed the selection for the number of grains visible was total amount seen near on in the burrow (total amount see at all 3 location selections).

When I summarized the raw data sheets, two sets of numbers were determined for each observation for each burrow (e.g. two rows of numbers for each record page): One for all the observations, and one excluding burrows where the location was >6" down (see Table A). Since this is where the bait is supposed to be if properly applied, excluding this should give a clearer picture of movement of bait after application and/or the accuracy of bait placement.

Information on the application method used for each site was taken from Lee, 2011, pgs 7 and 8.

If the methods described in Lee and Hygnstrom, 2007 are an accurate description of the procedures used, then bait placement at day 0 should have been identical regardless of application method. This would mean that the information on bait observed on the surface or less than 6" down the burrow was due to movement of bait by prairie dogs or other animals, not placement at the time of application.

However, it seems that Liphatech has submitted the Lee, 2011 statistical report in defense of allowing application equipment. So perhaps Charles Lee or Liphatch suspects or has learned that not all applications in this study were conducted as described in the report? Or EPA is skeptical of the method description attesting that all of these treated burrows should have started out with identical bait placement regardless of application method?

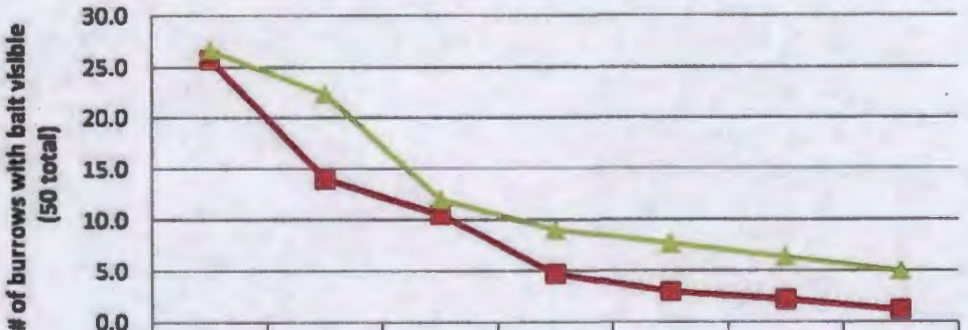
Results and Discussion: Regardless of application method (by hand or with equipment), no bait was seen at many of the treated burrows even 1 day after application (Table B). On average, only 52% of burrows had any bait visible 1 day after application. Only an average of 8% had any bait visible by 7 days after application (Figure 1).

Other possible factors might include who assessed each site, and the time of year that applications were made. 3 out of 4 of the hand application sites and 1 of the 3 mechanical application sites were assessed by "CL" while 1 of the hand sites and 2 of the mechanical sites were assessed by "Josh". No correlations are obvious with the two different assessors.

Two of the by hand sites were treated in October, but none of the mechanical-only sites were treated in October. Only 1 of the 4 hand-application sites were treated in March, while 2 of the 3 mechanical-only sites were treated in March. **So if bait had better acceptance in October than in March (when green-up may have begun) this would confound any assessment of application method.**

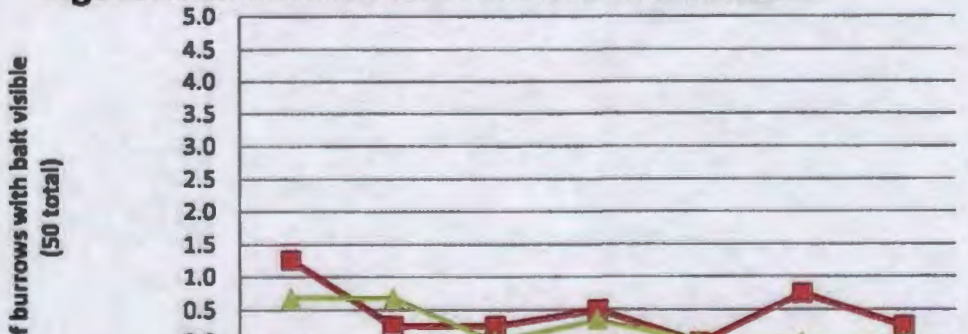
Observation of bait on the surface was rare, with a maximum of 3 burrows (6% of burrows) at one of the hand-applied sites (Table B, Figure 2).

Figure 1. # of burrows with Bait visible, 0-7 DAT



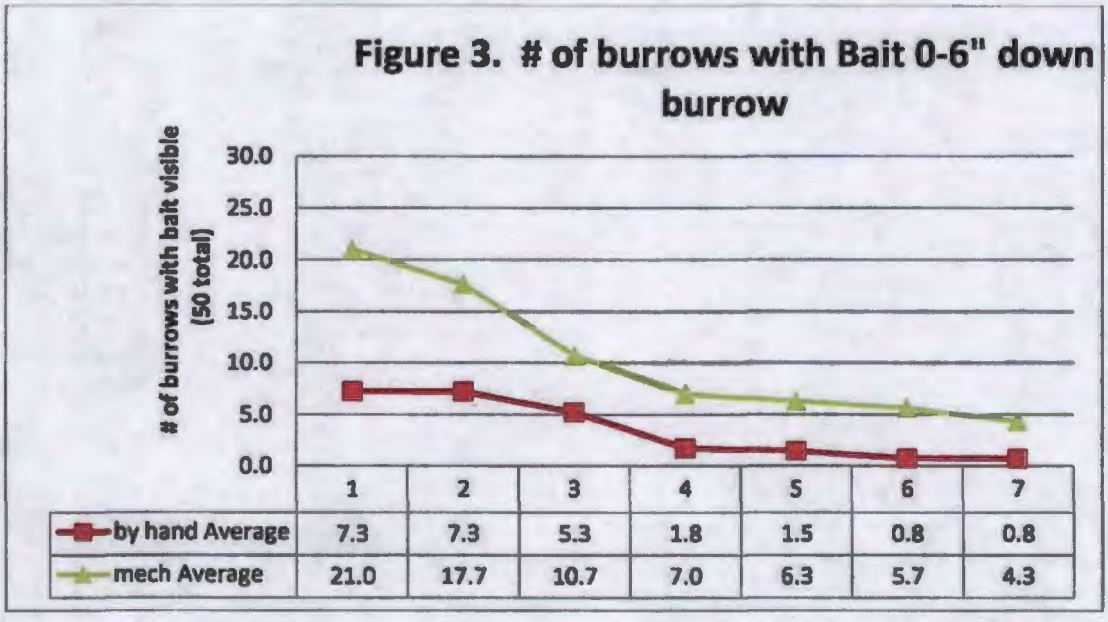
	1	2	3	4	5	6	7
by hand Average	25.8	14.0	10.5	4.8	3.0	2.3	1.3
mech Average	26.7	22.3	12.0	9.0	7.7	6.3	5.0

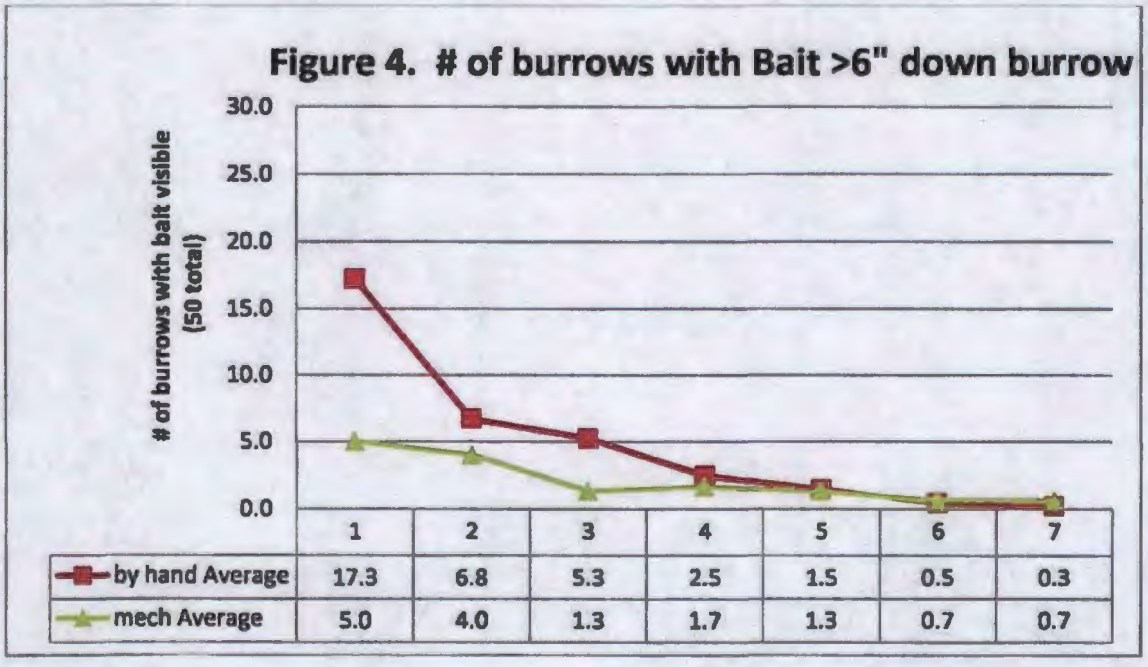
Figure 2. # of burrows with Bait on SURFACE



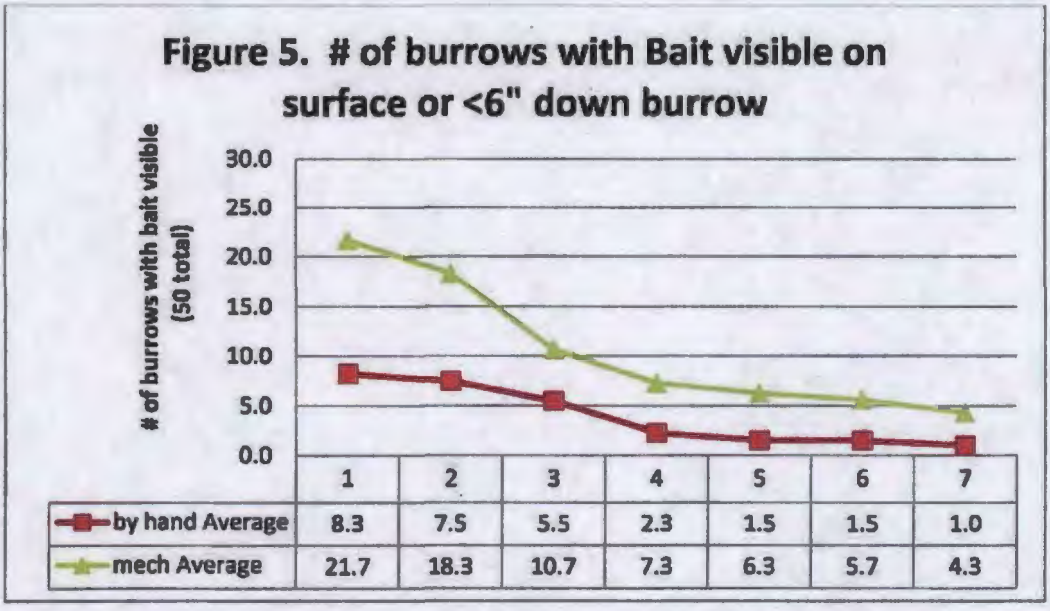
	1	2	3	4	5	6	7
by hand Average	1.3	0.3	0.3	0.5	0.0	0.8	0.3
mech Average	0.7	0.7	0.0	0.3	0.0	0.0	0.0

The pattern for bait seen in the burrow but less than 6" down was variable, both for how frequent this was 1 day after treatment, and in how quickly this decreased with time. The average for the 4 locations with hand locations appears lower than for the average of the 3 locations with mechanical applications, but the worst site (Weiss West) was one with hand applications (Table B, Figure 3). This site is also the one "by hand" site with applications made in March.





Observations were also made of the amount of bait observed, with categories based on # of grains of wheat bait observed. **For this part of the discussion, I will concentrate on only those burrows where the bait was observed on the surface or less than 6" below the surface.**



For the first 2 days after application, sites with mechanical applications appeared to have more burrows with bait found less than 6 inches below ground, and larger amounts of bait observed, than sites with hand applications. This declined with time. (Figure 5, Tables C and D).

Table D. % of burrows with observed bait amount, on surface or less than 6" down burrow.

application method	amount of bait	1	2	3	4	5	6	7
by hand	<25 grains	11.5%	9.0%	7.0%	3.0%	2.0%	2.5%	1.5%
	25-100 grains	4.5%	5.0%	4.0%	1.5%	1.0%	0.5%	0.5%
	>100 grains	0.5%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
mechanical	<25 grains	19.3%	18.0%	6.7%	7.3%	6.7%	7.3%	5.3%
	25-100 grains	12.0%	10.0%	7.3%	6.0%	4.7%	4.0%	3.3%
	>100 grains	11.3%	7.3%	7.3%	1.3%	0.0%	0.0%	0.0%

I took the "worst case" site for each application method and calculated the approximate amount of bait (as % of total applied) that was observed on the surface or < 6" below the surface. The application rate of ¼ cup per burrow would apply, on average, 1060 grains of wheat (personal communication, Tom Schmit, Liphatech). The numbers selected for number of grains for each category were the same as used by Lee and Hygnstrom (2007) for their calculation of a "grain index". **For the worst case site (cemetary site), this estimate indicates that less than 1% of applied bait was observed by 5 days after application (Table E).** The highest category (>100 grains) could mean anywhere from about 10% to

100% of the applied bait was observed, even thought the value used for this calculation was 113 grains. However, there were no burrows with quantities observed in this highest category by 5 days after application. Even 1 day after application of bait, the amount of bait seen other than still within the target application site was only 4% of the amount applied even at the "worst case" location (Table E).

Table A. Bait availability, from Liphatech Rozol Bait field efficacy study, hand-applied vs. mechanical applied locations only (excludes sites where method was "both").
All information, vs. ("x") information excluding burrows where all observed bait was at labeled application site (>6" from surface).

						# of burrows out of 50 total						
exclude	Trial #	colony	ap date	method	DAT	visible	location			# of grains visible		
>6" loc							surf	0-6"	>6"	<25	"25-100	>100
	1	sallee	oct	1-by hand	1	24	1	0	23	12	6	6
x	1	sallee	oct	1-by hand	1	1	1			1		
	1	sallee	oct	1-by hand	2	3	0	0	4	1	3	0
x	1	sallee	oct	1-by hand	2	0						
	1	sallee	oct	1-by hand	3	2	0	0	2	0	2	0
x	1	sallee	oct	1-by hand	3	0						
	1	sallee	oct	1-by hand	4	3	1	0	2	1	1	1
x	1	sallee	oct	1-by hand	4	1	1			1		
	1	sallee	oct	1-by hand	5	2	0	1	1	1	0	1
x	1	sallee	oct	1-by hand	5	1	0	1	0	1	0	0
	1	sallee	oct	1-by hand	6	3	2	0	1	2	0	1
x	1	sallee	oct	1-by hand	6	2	2	0	0	2	0	0
	1	sallee	oct	1-by hand	7	1	1	0	0	1	0	0
x	1	sallee	oct	1-by hand	7	1	1	0	0	1	0	0
	1	hogan	oct	1-by hand	1	14	3	3	8	9	2	3
x	1	hogan	oct	1-by hand	1	6	3	3	0	4	2	0
	1	hogan	oct	1-by hand	2	10	1	5	4	6	4	0
x	1	hogan	oct	1-by hand	2	6	1	5	0	4	2	0
	1	hogan	oct	1-by hand	3	4	1	0	4	4	0	0
x	1	hogan	oct	1-by hand	3	1	1	0	0	1	0	0
	1	hogan	oct	1-by hand	4	3	1	0	2	3	0	0
x	1	hogan	oct	1-by hand	4	1	1	0	0	1	0	0
	1	hogan	oct	1-by hand	5	2	0	0	2	2	0	0
x	1	hogan	oct	1-by hand	5	0	0	0	0	0	0	0
	1	hogan	oct	1-by hand	6	2	1	0	0	2	0	0
x	1	hogan	oct	1-by hand	6	1	1	0	0	1	0	0
	1	hogan	oct	1-by hand	7	0	0	0	0	0	0	0
x	1	hogan	oct	1-by hand	7	0	0	0	0	0	0	0
	2	lashley	dec	1-by hand	1	30	1	2	27	20	5	5
x	2	lashley	dec	1-by hand	1	2	0	2	0	1	0	1
	2	lashley	dec	1-by hand	2	12	0	4	8	10	2	0
x	2	lashley	dec	1-by hand	2	4	0	4	0	3	1	0
	2	lashley	dec	1-by hand	3	5	0	1	4	4	1	0
x	2	lashley	dec	1-by hand	3	1	0	1	0	0	1	0
	2	lashley	dec	1-by hand	4	3	0	0	3	3	0	0
x	2	lashley	dec	1-by hand	4	0	0	0	0	0	0	0
	2	lashley	dec	1-by hand	5	3	0	0	3	3	0	0
x	2	lashley	dec	1-by hand	5	0	0	0	0	0	0	0
	2	lashley	dec	1-by hand	6	2	0	1	1	2	0	0
x	2	lashley	dec	1-by hand	6	1	0	1	0	1	0	0
	2	lashley	dec	1-by hand	7	2	0	1	1	2	0	0
x	2	lashley	dec	1-by hand	7	1	0	1	0	1	0	0
	3	Weiss West	Mar	1-by hand	1	35	0	24	11	25	10	0
x	3	Weiss West	Mar	1-by hand	1	24	0	24	0	17	7	0
	3	Weiss West	Mar	1-by hand	2	31	0	20	11	21	10	0
x	3	Weiss West	Mar	1-by hand	2	20	0	20	0	11	7	0
	3	Weiss West	Mar	1-by hand	3	31	0	20	11	21	9	0
x	3	Weiss West	Mar	1-by hand	3	20	0	20	0	13	7	0
	3	Weiss West	Mar	1-by hand	4	10	0	7	3	7	3	2
x	3	Weiss West	Mar	1-by hand	4	7	0	7	0	4	3	0
	3	Weiss West	Mar	1-by hand	5	5	0	5	0	3	2	0
x	3	Weiss West	Mar	1-by hand	5	5	0	5	0	3	2	0
	3	Weiss West	Mar	1-by hand	6	2	0	2	0	1	1	0
x	3	Weiss West	Mar	1-by hand	6	2	0	2	0	1	1	0

						# of burrows out of 50 total						
exclude	Trial #	colony	ap date	method	DAT	visible	location			# of grains visible		
>6" loc							surf	0-6"	>6"	<25	"25-100	>100
	3	Weiss West	Mar	1-by hand	7	2	0	2	0	1	1	0
x	3	Weiss West	Mar	1-by hand	7	2	0	2	0	1	1	0
	2	cemetary	dec	2-mech	1	32	2	22	8	6	8	18
x	2	cemetary	dec	2-mech	1	24	2	22	0	2	6	15
	2	cemetary	dec	2-mech	2	26	1	19	6	6	6	13
x	2	cemetary	dec	2-mech	2	20	1	19	0	4	5	9
	2	cemetary	dec	2-mech	3	21	0	18	3	6	4	11
x	2	cemetary	dec	2-mech	3	18	0	18	0	6	3	9
	2	cemetary	dec	2-mech	4	16	1	11	4	9	5	2
x	2	cemetary	dec	2-mech	4	12	1	11	0	7	3	2
	2	cemetary	dec	2-mech	5	15	0	11	4	9	4	2
x	2	cemetary	dec	2-mech	5	11	0	11	0	7	2	0
	2	cemetary	dec	2-mech	6	13	0	11	2	8	5	2
x	2	cemetary	dec	2-mech	6	11	0	11	0	7	4	0
	2	cemetary	dec	2-mech	7	12	0	10	2	7	5	0
x	2	cemetary	dec	2-mech	7	10	0	10	0	6	4	0
	3	Sowers	mar	2-mech	1	18	0	17	1	15	3	0
x	3	Sowers	mar	2-mech	1	17	0	17	0	14	3	0
	3	Sowers	mar	2-mech	2	14	1	12	1	13	1	0
x	3	Sowers	mar	2-mech	2	13	1	12	0	12	1	0
	3	Sowers	mar	2-mech	3	1	0	1	0	0	1	0
x	3	Sowers	mar	2-mech	3	1	0	1	0	0	1	0
	3	Sowers	mar	2-mech	4	1	0	1	0	1	0	0
x	3	Sowers	mar	2-mech	4	1	0	1	0	1	0	0
	3	Sowers	mar	2-mech	5	1	0	1	0	1	0	0
x	3	Sowers	mar	2-mech	5	1	0	1	0	1	0	0
	3	Sowers	mar	2-mech	6	1	0	1	0	1	0	0
x	3	Sowers	mar	2-mech	6	1	0	1	0	1	0	0
	3	Sowers	mar	2-mech	7	0	0	0	0	0	0	0
x	3	Sowers	mar	2-mech	7	0	0	0	0	0	0	0
	3	magnani	mar	2-mech	1	30	0	24	6	15	13	2
x	3	magnani	mar	2-mech	1	24	0	24	0	13	9	2
	3	magnani	mar	2-mech	2	27	0	22	5	13	12	2
x	3	magnani	mar	2-mech	2	22	0	22	0	11	9	2
	3	magnani	mar	2-mech	3	14	0	13	1	4	8	2
x	3	magnani	mar	2-mech	3	13	0	13	0	4	7	2
	3	magnani	mar	2-mech	4	10	0	9	1	3	7	0
x	3	magnani	mar	2-mech	4	9	0	9	0	3	6	0
	3	magnani	mar	2-mech	5	7	0	7	0	2	5	0
x	3	magnani	mar	2-mech	5	7	0	7	0	2	5	0
	3	magnani	mar	2-mech	6	5	0	5	0	3	2	0
x	3	magnani	mar	2-mech	6	5	0	5	0	3	2	0
	3	magnani	mar	2-mech	7	3	0	3	0	2	1	0
x	3	magnani	mar	2-mech	7	3	0	3	0	2	1	0

TABLE B. Results of Bait monitoring 1 to 7 days after application. Values are # of burrows out of 50 evaluated.

Average of # of burrows w/ bait visible			DAT						
method	colony (assessed by)	ap date	1	2	3	4	5	6	7
by hand	hogan (CL)	oct	14.0	10.0	4.0	3.0	2.0	2.0	0.0
	lashley (CL)	dec	30.0	12.0	5.0	3.0	3.0	2.0	2.0
	sallee (CL)	oct	24.0	3.0	2.0	3.0	2.0	3.0	1.0
	Weiss West (Josh)	Mar	35.0	31.0	31.0	10.0	5.0	2.0	2.0
by hand Average			**25.8**	**14.0**	**10.5**	**4.8**	**3.0**	**2.3**	**1.3**
mech	cemetary (CL)	dec	32.0	26.0	21.0	16.0	15.0	13.0	12.0
	magnani (Josh)	Mar	30.0	27.0	14.0	10.0	7.0	5.0	3.0
	Sowers (Josh)	Mar	18.0	14.0	1.0	1.0	1.0	1.0	0.0
mech Average			**26.7**	**22.3**	**12.0**	**9.0**	**7.7**	**6.3**	**5.0**

Average of bait on surface			DAT						
method	colony	ap date	1	2	3	4	5	6	7
by hand	hogan	oct	3.0	1.0	1.0	1.0	0.0	1.0	0.0
	lashley	dec	1.0	0.0	0.0	0.0	0.0	0.0	0.0
	sallee	oct	1.0	0.0	0.0	1.0	0.0	2.0	1.0
	Weiss West	Mar	0.0	0.0	0.0	0.0	0.0	0.0	0.0
by hand Average			**1.3**	**0.3**	**0.3**	**0.5**	**0.0**	**0.8**	**0.3**
mech	cemetary	dec	2.0	1.0	0.0	1.0	0.0	0.0	0.0
	magnani	Mar	0.0	0.0	0.0	0.0	0.0	0.0	0.0
	Sowers	Mar	0.0	1.0	0.0	0.0	0.0	0.0	0.0
mech Average			**0.7**	**0.7**	**0.0**	**0.3**	**0.0**	**0.0**	**0.0**

Average of bait 0-6"			DAT						
method	colony	ap date	1	2	3	4	5	6	7
by hand	hogan	oct	3.0	5.0	0.0	0.0	0.0	0.0	0.0
	lashley	dec	2.0	4.0	1.0	0.0	0.0	1.0	1.0
	sallee	oct	0.0	0.0	0.0	0.0	1.0	0.0	0.0
	Weiss West	Mar	24.0	20.0	20.0	7.0	5.0	2.0	2.0
by hand Average			**7.3**	**7.3**	**5.3**	**1.8**	**1.5**	**0.8**	**0.8**
mech	cemetary	dec	22.0	19.0	18.0	11.0	11.0	11.0	10.0
	magnani	Mar	24.0	22.0	13.0	9.0	7.0	5.0	3.0
	Sowers	Mar	17.0	12.0	1.0	1.0	1.0	1.0	0.0
mech Average			**21.0**	**17.7**	**10.7**	**7.0**	**6.3**	**5.7**	**4.3**

Average of Bait >6"			DAT						
method	colony	ap date	1	2	3	4	5	6	7
by hand	hogan	oct	8.0	4.0	4.0	2.0	2.0	0.0	0.0
	lashley	dec	27.0	8.0	4.0	3.0	3.0	1.0	1.0
	sallee	oct	23.0	4.0	2.0	2.0	1.0	1.0	0.0
	Weiss West	Mar	11.0	11.0	11.0	3.0	0.0	0.0	0.0
by hand Average			**17.3**	**6.8**	**5.3**	**2.5**	**1.5**	**0.5**	**0.3**
mech	cemetary	dec	8.0	6.0	3.0	4.0	4.0	2.0	2.0
	magnani	Mar	6.0	5.0	1.0	1.0	0.0	0.0	0.0
	Sowers	Mar	1.0	1.0	0.0	0.0	0.0	0.0	0.0
mech Average			**5.0**	**4.0**	**1.3**	**1.7**	**1.3**	**0.7**	**0.7**

TABLE B. Results of Bait monitoring 1 to 7 days after application. Values are # of burrows out of 50 evaluated.

Average of <25			DAT						
method	colony	ap date	1	2	3	4	5	6	7
by hand	hogan	oct	9.0	6.0	4.0	3.0	2.0	2.0	0.0
	lashley	dec	20.0	10.0	4.0	3.0	3.0	2.0	2.0
	sallee	oct	12.0	1.0	0.0	1.0	1.0	2.0	1.0
	Weiss West	Mar	25.0	21.0	21.0	7.0	3.0	1.0	1.0
by hand Average			**16.5**	**9.5**	**7.3**	**3.5**	**2.3**	**1.8**	**1.0**
mech	cemetary	dec	6.0	6.0	6.0	9.0	9.0	8.0	7.0
	magnani	Mar	15.0	13.0	4.0	3.0	2.0	3.0	2.0
	Sowers	Mar	15.0	13.0	0.0	1.0	1.0	1.0	0.0
mech Average			**12.0**	**10.7**	**3.3**	**4.3**	**4.0**	**4.0**	**3.0**

Average of "25-100			DAT						
method	colony	ap date	1	2	3	4	5	6	7
by hand	hogan	oct	2.0	4.0	0.0	0.0	0.0	0.0	0.0
	lashley	dec	5.0	2.0	1.0	0.0	0.0	0.0	0.0
	sallee	oct	6.0	3.0	2.0	1.0	0.0	0.0	0.0
	Weiss West	Mar	10.0	10.0	9.0	3.0	2.0	1.0	1.0
by hand Average			**5.8**	**4.8**	**3.0**	**1.0**	**0.5**	**0.3**	**0.3**
mech	cemetary	dec	8.0	6.0	4.0	5.0	4.0	5.0	5.0
	magnani	Mar	13.0	12.0	8.0	7.0	5.0	2.0	1.0
	Sowers	Mar	3.0	1.0	1.0	0.0	0.0	0.0	0.0
mech Average			**8.0**	**6.3**	**4.3**	**4.0**	**3.0**	**2.3**	**2.0**

Average of >100			DAT						
method	colony	ap date	1	2	3	4	5	6	7
by hand	hogan	oct	3.0	0.0	0.0	0.0	0.0	0.0	0.0
	lashley	dec	5.0	0.0	0.0	0.0	0.0	0.0	0.0
	sallee	oct	6.0	0.0	0.0	1.0	1.0	1.0	0.0
	Weiss West	Mar	0.0	0.0	0.0	2.0	0.0	0.0	0.0
by hand Average			**3.5**	**0.0**	**0.0**	**0.8**	**0.3**	**0.3**	**0.0**
mech	cemetary	dec	18.0	13.0	11.0	2.0	2.0	2.0	0.0
	magnani	Mar	2.0	2.0	2.0	0.0	0.0	0.0	0.0
	Sowers	Mar	0.0	0.0	0.0	0.0	0.0	0.0	0.0
mech Average			**6.7**	**5.0**	**4.3**	**0.7**	**0.7**	**0.7**	**0.0**

TABLE C. Excluding burrows with all bait still greater than 6 inches below surface, results of Bait monitoring 1 to 7 days after application. Values are # of burrows out of 50 evaluated.

Average of # of burrows w/ bait visible			DAT						
method	colony	ap date	1	2	3	4	5	6	7
by hand	hogan	oct	6.0	6.0	1.0	1.0	0.0	1.0	0.0
	lashley	dec	2.0	4.0	1.0	0.0	0.0	1.0	1.0
	sallee	oct	1.0	0.0	0.0	1.0	1.0	2.0	1.0
	Weiss West	Mar	24.0	20.0	20.0	7.0	5.0	2.0	2.0
by hand Average			**8.3**	**7.5**	**5.5**	**2.3**	**1.5**	**1.5**	**1.0**
mech	cemetary	dec	24.0	20.0	18.0	12.0	11.0	11.0	10.0
	magnani	Mar	24.0	22.0	13.0	9.0	7.0	5.0	3.0
	Sowers	Mar	17.0	13.0	1.0	1.0	1.0	1.0	0.0
mech Average			**21.7**	**18.3**	**10.7**	**7.3**	**6.3**	**5.7**	**4.3**

Average of bait on surface			DAT						
method	colony	ap date	1	2	3	4	5	6	7
by hand	hogan	oct	3.0	1.0	1.0	1.0	0.0	1.0	0.0
	lashley	dec	0.0	0.0	0.0	0.0	0.0	0.0	0.0
	sallee	oct	1.0	0.0	0.0	1.0	0.0	2.0	1.0
	Weiss West	Mar	0.0	0.0	0.0	0.0	0.0	0.0	0.0
by hand Average			**1.0**	**0.3**	**0.3**	**0.5**	**0.0**	**0.8**	**0.3**
mech	cemetary	dec	2.0	1.0	0.0	1.0	0.0	0.0	0.0
	magnani	Mar	0.0	0.0	0.0	0.0	0.0	0.0	0.0
	Sowers	Mar	0.0	1.0	0.0	0.0	0.0	0.0	0.0
mech Average			**0.7**	**0.7**	**0.0**	**0.3**	**0.0**	**0.0**	**0.0**

Average of bait 0-6"			DAT						
method	colony	ap date	1	2	3	4	5	6	7
by hand	hogan	oct	3.0	5.0	0.0	0.0	0.0	0.0	0.0
	lashley	dec	2.0	4.0	1.0	0.0	0.0	1.0	1.0
	sallee	oct	0.0	0.0	0.0	0.0	1.0	0.0	0.0
	Weiss West	Mar	24.0	20.0	20.0	7.0	5.0	2.0	2.0
by hand Average			**7.3**	**7.3**	**5.3**	**1.8**	**1.5**	**0.8**	**0.8**
mech	cemetary	dec	22.0	19.0	18.0	11.0	11.0	11.0	10.0
	magnani	Mar	24.0	22.0	13.0	9.0	7.0	5.0	3.0
	Sowers	Mar	17.0	12.0	1.0	1.0	1.0	1.0	0.0
mech Average			**21.0**	**17.7**	**10.7**	**7.0**	**6.3**	**5.7**	**4.3**

TABLE C. Excluding burrows with all bait still greater than 6 inches below surface, results of Bait monitoring 1 to 7 days after application. Values are # of burrows out of 50 evaluated.

Average of <25 grains			DAT						
method	colony	ap date	1	2	3	4	5	6	7
by hand	hogan	oct	4.0	4.0	1.0	1.0	0.0	1.0	0.0
	lashley	dec	1.0	3.0	0.0	0.0	0.0	1.0	1.0
	sallee	oct	1.0	0.0	0.0	1.0	1.0	2.0	1.0
	Weiss West	Mar	17.0	11.0	13.0	4.0	3.0	1.0	1.0
by hand Average			**5.8**	**4.5**	**3.5**	**1.5**	**1.0**	**1.3**	**0.8**
mech	cemetary	dec	2.0	4.0	6.0	7.0	7.0	7.0	6.0
	magnani	Mar	13.0	11.0	4.0	3.0	2.0	3.0	2.0
	Sowers	Mar	14.0	12.0	0.0	1.0	1.0	1.0	0.0
mech Average			**9.7**	**9.0**	**3.3**	**3.7**	**3.3**	**3.7**	**2.7**

Average of 25-100 grains			DAT						
method	colony	ap date	1	2	3	4	5	6	7
by hand	hogan	oct	2.0	2.0	0.0	0.0	0.0	0.0	0.0
	lashley	dec	0.0	1.0	1.0	0.0	0.0	0.0	0.0
	sallee	oct	0.0	0.0	0.0	0.0	0.0	0.0	0.0
	Weiss West	Mar	7.0	7.0	7.0	3.0	2.0	1.0	1.0
by hand Average			**2.3**	**2.5**	**2.0**	**0.8**	**0.5**	**0.3**	**0.3**
mech	cemetary	dec	6.0	5.0	3.0	3.0	2.0	4.0	4.0
	magnani	Mar	9.0	9.0	7.0	6.0	5.0	2.0	1.0
	Sowers	Mar	3.0	1.0	1.0	0.0	0.0	0.0	0.0
mech Average			**6.0**	**5.0**	**3.7**	**3.0**	**2.3**	**2.0**	**1.7**

Average of >100 grains			DAT						
method	colony	ap date	1	2	3	4	5	6	7
by hand	hogan	oct	0.0	0.0	0.0	0.0	0.0	0.0	0.0
	lashley	dec	1.0	0.0	0.0	0.0	0.0	0.0	0.0
	sallee	oct	0.0	0.0	0.0	0.0	0.0	0.0	0.0
	Weiss West	Mar	0.0	0.0	0.0	0.0	0.0	0.0	0.0
by hand Average			**0.3**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**
mech	cemetary	dec	15.0	9.0	9.0	2.0	0.0	0.0	0.0
	magnani	Mar	2.0	2.0	2.0	0.0	0.0	0.0	0.0
	Sowers	Mar	0.0	0.0	0.0	0.0	0.0	0.0	0.0
mech Average			**5.7**	**3.7**	**3.7**	**0.7**	**0.0**	**0.0**	**0.0**

Table E. For two selected "worst-case sites, Bait found on surface or < 6 inches below surface.

Trial #	colony	ap date	method	DAT	# of burrows out of 50 total					
					visible	location		# of grains visible		
						bait on surface	bait 0-6"	<25 grains	25-100 grains	>100 grains
3	Weiss West	Mar	by hand	1	24	0	24	17	7	0
3	Weiss West	Mar	by hand	2	20	0	20	11	7	0
3	Weiss West	Mar	by hand	3	20	0	20	13	7	0
3	Weiss West	Mar	by hand	4	7	0	7	4	3	0
3	Weiss West	Mar	by hand	5	5	0	5	3	2	0
3	Weiss West	Mar	by hand	6	2	0	2	1	1	0
3	Weiss West	Mar	by hand	7	2	0	2	1	1	0
2	cemetary	dec	mech	1	24	2	22	2	6	15
2	cemetary	dec	mech	2	20	1	19	4	5	9
2	cemetary	dec	mech	3	18	0	18	6	3	9
2	cemetary	dec	mech	4	12	1	11	7	3	2
2	cemetary	dec	mech	5	11	0	11	7	2	0
2	cemetary	dec	mech	6	11	0	11	7	4	0
2	cemetary	dec	mech	7	10	0	10	6	4	0

					"# of grain" value used in % calculation-->			*13*	*63*	*113*	
					% of burrows			% of total applied (1060 grains * 50 burrows)			Total
3	Weiss West	Mar	by hand	1	48%	0%	48%	0.4%	0.8%	0.0%	1.2%
3	Weiss West	Mar	by hand	2	40%	0%	40%	0.3%	0.8%	0.0%	1.1%
3	Weiss West	Mar	by hand	3	40%	0%	40%	0.3%	0.8%	0.0%	1.2%
3	Weiss West	Mar	by hand	4	14%	0%	14%	0.1%	0.4%	0.0%	0.5%
3	Weiss West	Mar	by hand	5	10%	0%	10%	0.1%	0.2%	0.0%	0.3%
3	Weiss West	Mar	by hand	6	4%	0%	4%	0.0%	0.1%	0.0%	0.1%
3	Weiss West	Mar	by hand	7	4%	0%	4%	0.0%	0.1%	0.0%	0.1%
2	cemetary	dec	mech	1	48%	4%	44%	0.0%	0.7%	3.2%	4.0%
2	cemetary	dec	mech	2	40%	2%	38%	0.1%	0.6%	1.9%	2.6%
2	cemetary	dec	mech	3	36%	0%	36%	0.1%	0.4%	1.9%	2.4%
2	cemetary	dec	mech	4	24%	2%	22%	0.2%	0.4%	0.4%	1.0%
2	cemetary	dec	mech	5	22%	0%	22%	0.2%	0.2%	0.0%	0.4%
2	cemetary	dec	mech	6	22%	0%	22%	0.2%	0.5%	0.0%	0.6%
2	cemetary	dec	mech	7	20%	0%	20%	0.1%	0.5%	0.0%	0.6%

SUMMARY: As of August 8, 2011, it is a violation of Federal law to use Rozol Prairie Dog Bait in the states of Montana, New Mexico, North Dakota, and South Dakota. This is the case even though existing stocks of Rozol Prairie Dog Bait may bear labeling for these states. No person may sell or distribute such existing stocks to a retail customer unless a copy of this order is first provided to the customer. Other transfers of such existing stocks also require providing a copy of this order to the recipient, as described in the order.

US Environmental Protection Agency
Office of Pesticide Programs

Final Cancellation Order for Rozol Prairie Dog Bait Labeled For Use in Montana, New Mexico, North Dakota, and South Dakota

August 8, 2011

Electronically available at:
http:/www.epa.gov/pesticides/regulating/rozol.html

Final Cancellation Order for Rozol Prairie Dog Bait Labeled for Use in Montana, New Mexico, North Dakota, and South Dakota

Background

On July 27, 2011, the U.S. District Court for the District of Columbia issued an order requiring EPA to take certain measures respecting the registration of Rozol Prairie Dog Bait (EPA Reg. No. 7173-286), pending the completion of endangered species consultation between EPA and the United States Fish and Wildlife Service regarding this product. *See Defenders of Wildlife v. Jackson*, No. 09-cv-1814, July 27, 2011.

Pursuant to court order, on August 8, 2011, EPA approved an application from the product registrant (Liphatech) to amend the label for this product. The label amendment removed Montana, New Mexico, North Dakota, and South Dakota from the list of states where use is authorized. The Court also directed EPA to issue an immediately effective cancellation order respecting Rozol Prairie Dog Bait labeled for use in Montana, New Mexico, North Dakota, and South Dakota, to address any existing stocks of such product.

Neither of these actions limit use of Rozol Prairie Dog Bait, consistent with product labeling, in the remaining six states: Colorado, Kansas, Nebraska, Oklahoma, Texas, and Wyoming.

Liphatech may not sell or distribute existing stocks in its possession and control unless they have been relabeled, in accordance with the Federal Insecticide, Fungicide, and Rodenticide Act ("FIFRA") and its implementing regulations, to eliminate the portion of the labeling authorizing use in Montana, New Mexico, North Dakota, and South Dakota. See Paragraph 3 of this order. Once such existing stocks are relabeled consistent with Paragraph 3 of this order, they are no longer existing stocks subject to this order. See the definition of "existing stocks" in Paragraph 2.

Existing stocks that have not been relabeled to eliminate the portions of the labeling authorizing use in Montana, New Mexico, North Dakota, and South Dakota (in accordance with FIFRA and its implementing regulations) are subject to a separate provision of this cancellation order (Paragraph 4), which establishes, independent of the labeling, a FIFRA prohibition on use in these four states. Paragraph 4 furthermore restricts the conditions under which such existing stocks may be sold or distributed. One particular restriction on the sale and distribution of such existing stocks (Paragraph 4.C.) applies even outside of Montana, New Mexico, North Dakota, and South Dakota.

Finally, this order makes clear that it is not based on an EPA determination under FIFRA section 6(b), and does not trigger the procedural requirements at 40 CFR Part 164 Subpart D in the event that EPA later receives an application to amend the label for Rozol Prairie Dog Bait, to add Montana, New Mexico, North Dakota, and South Dakota back to the label. Pursuant to the directions of the Court, EPA is issuing this cancellation order, effective immediately, under FIFRA section 6(a).

Final Cancellation Order

1. Pursuant to section 6(a)(1) of FIFRA and the July 27, 2011 order of the U.S. District Court for the District of Columbia, EPA hereby issues a final cancellation order for Rozol Prairie Dog Bait (EPA Registration No. 7173-286) that is labeled for use in Montana, New Mexico, North Dakota, and South Dakota. Any distribution, sale, or use of existing stocks in a manner inconsistent with this order will be considered a violation of FIFRA sections 12(a)(2)(K) and/or 12(a)(1)(A). This order is immediately effective and will remain in effect unless and until it is amended.

2. For purposes of this order, the term "existing stocks," is defined, consistent with EPA's existing stocks policy (56 FR 29362, June 26, 1991) as those stocks of Rozol Prairie Dog Bait labeled for use in Montana, New Mexico, North Dakota, and South Dakota that are currently in the United States and which were packaged, labeled, and released for shipment prior to the August 8, 2011 label amendment to delete use in Montana, New Mexico, North Dakota, and South Dakota.

3. Liphatech may not sell or distribute existing stocks within its possession or control unless those stocks have been labeled in accordance with FIFRA and its implementing regulations to prohibit use in Montana, New Mexico, North Dakota, and South Dakota.

4. With respect to existing stocks bearing labels indicating that use in Montana, New Mexico, North Dakota, and South Dakota is allowed:

   A. No person may use such existing stocks in Montana, New Mexico, North Dakota, or South Dakota.

   B. No person may sell or distribute such existing stocks in Montana, New Mexico, North Dakota, and South Dakota, unless such sale or distribution is for the purpose of disposal, returning the material to the person from whom it was purchased, or for transfer for the purpose of resale outside of Montana, New Mexico, North Dakota, or South Dakota.

   C. No person may sell or distribute such existing stocks to another person unless, for each such transfer, a copy of this order is provided to such other person at or before the time of the transfer and, additionally, another copy is shipped with the stocks if they are transported by a third party.

   D. Distribution or sale of such existing stocks, except as prohibited under paragraphs 4.B and 4.C., is permitted until such stocks are depleted. No person may use such existing stocks in a manner that is inconsistent with the previously-approved product labeling.

5. This cancellation order is not based on any determination by EPA under FIFRA section 6(b), or on a final cancellation order as that term is used in 40 CFR 164.130.

Lois Rossi

Lois Rossi
Director, Registration Division

August 8, 2011

Date

Colorado - Lausal ; John S.

~~Gary Mayer~~ at

KS -

MONT - Amy Bamba

ND - Jim Gray.

SD - Brad.

Region 8, 7.

---

* Rozol Oatt Bail

PRECAUTIONARY STATEMENTS

Hazard to Humans and Domestic Animals

CAUTION: Harmful if swallowed or absorbed through the skin because it may reduce the clotting ability of blood and cause bleeding. Keep away from children, domestic animals and pets. Do not get in eyes on skin or on clothing. All handlers (including applicators) must wear shoes plus socks, and gloves. Any person who retrieves carcasses or unused bait following application of this product must wear gloves.

USER SAFETY REQUIREMENTS: Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables, use detergent and hot water. Keep and wash PPE separately from other laundry. Remove PPE immediately after handling this product. Wash the outside of gloves before removing. As soon as possible, wash hands thoroughly after applying bait and before eating, drinking , chewing gum, using tobacco or using the toilet and change into clean clothing.

FIRST AID: Have label when obtaining treatment advice.

If swallowed: Call a poison control center or doctor immediately for treatment advice. Have person sip a glass of water if able to swallow. Do not induce vomiting unless told to do so by the poison control center or doctor.

If on skin: Take off contaminated clothing. Rinse skin with plenty of cool water for 15-20 minutes. Call a poison control center or doctor for treatment advice.

TREATMENT FOR PET POISONING: If animal eats bait, call veterinarian at once.

NOTE TO PHYSICIAN OR VETERINARIAN: Anticoagulant Chlorophacinone: If swallowed, this material may reduce the clotting ability of the blood and cause bleeding. **For humans or dogs** that have ingested this product and/or have obvious poisoning symptoms (bleeding or prolonged prothrombin times), give Vitamin K_1 intramuscularly or orally.

ENVIRONMENTAL HAZARDS: This product is toxic to fish and wildlife. Dogs and other predatory and scavenging mammals and birds might be poisoned if they feed upon animals that have eaten this bait. Do not apply directly to water, or to areas where surface water is present. Do not contaminate water by cleaning of equipment or disposal of wastes. Runoff also may be hazardous to aquatic organisms in water adjacent to treated areas.

ENDANGERED SPECIES CONSIDERATIONS: NOTICE: It is a Federal offense to use any pesticide in a manner that results in the death of an endangered species. Use of this product may pose a hazard to endangered or threatened species. Do not use this product within prairie dog towns in the range of the black-footed ferret without first contacting endangered species specialists at a U.S. Fish and Wildlife Service office. Applicators may obtain information regarding the occurrence of endangered species and use limitations for this product by calling EPA's "Endangered Species Hotline" at 1-800-447-3813 to obtain an "Interim Measures" pamphlet for your county. You may also consult your local agricultural extension office or state pesticide lead agency to determine if there are any requirements for use of this product.

RESTRICTED USE PESTICIDE

DUE TO HAZARD TO NONTARGET ORGANISMS

For retail sale to and use only by Certified Applicators or persons under their direct supervision and only for those uses covered by the Certified Applicator's Certification.

Active Ingredient: chlorophacinone	0.005%
Inert Ingredients	99.995%
Total	100.000%

EPA Reg. No. 7173-286 EPA Est. No. 7173-WI-1

KEEP OUT OF REACH OF CHILDREN

CAUTION: See side panel for additional precautionary statements.

LIPHATECH®

Liphatech, Inc.
3600 W. Elm Street
Milwaukee, WI 53209
(414) 351-1476

NET WEIGHT:

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

READ THIS LABEL and follow all use directions and precautions. Only use for sites, pests, and application methods specified on this label.

IMPORTANT: Do not expose children, pets, or other nontarget animals to rodenticides. To help prevent accidents:

1. Store product not in use in a location out of reach of children and pets.
2. Dispose of product container, unused, spoiled and unconsumed bait as specified on this label.

Use restrictions: This product may only be used as follows:

1. **Sites/Pests:** Black-Tailed Prairie Dogs *(Cynomys ludovicianus)* on rangeland and adjacent noncrop areas.
2. **States:** Colorado, Kansas, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas and Wyoming.
3. **Application Method:** Hand application of bait, at least 6 inches down prairie dog burrows. This product may only be used in underground applications. **Do not apply bait on or above ground level. Treat only active burrows.**
4. **Treatment Period:** Apply between October 1 and March 15 of the following year, when animals will most readily take the grain bait.
5. **Non-Applicators:** Do not allow children, pets, domestic animals or persons not involved in the application to be in the area where the product is being applied.
6. **Grazing Restriction:** Do not allow livestock to graze in treated areas for 14 days after treatment and when no bait is found above ground.

Site Assessment: Before applying this product, identify active prairie dog burrows by visual observation. The openings of active burrows will generally be free of leaves, seeds, other debris or spider webs, and will show freshly turned earth, and have prairie dog feces nearby.

Application: Apply 1/4 cup (53 grams or nearly 2 ounces) of bait at least 6 inches down active prairie dog burrows. **Make sure no bait is left on the soil surface at the time of application.** Applicator must retrieve and dispose of any bait that is spilled above ground or placed less than 6 inches down the burrow entrance.

Follow-up: Prairie dogs that have eaten this bait will begin to die off in 4 to 5 days after they eat a lethal amount. The applicator must return to the site within 4 days after bait application, and at 1 to 2 day intervals, to collect and properly dispose of any bait or dead or dying prairie dogs found on the surface. All carcasses found above ground must be collected and disposed of properly. Continue to collect and dispose of dead or dying prairie dogs and search for nontarget animals for at least two weeks, but longer if carcasses are still being found at that time. Carcass collections should occur in late afternoon, near sundown, to reduce the potential of nocturnal animals finding carcasses and dying animals. Bury carcasses on site in holes dug at least 18 inches deep or in inactive burrows (no longer being used by prairie dogs or other species) to avoid non-target animal scavenging. Burial includes covering and packing the hole or burrow with soil. If burial is not practical (due to frozen ground, etc) and other disposal methods are allowed by state and local authorities, collected carcasses may be disposed of by such other methods as insure that the carcasses are inaccessible to scavengers.

Reapplication: If prairie dog activity persists several weeks or months after the bait was applied, a second application may be made, by treating burrows in the same manner, time period and procedure as the first application. Follow all application, site assessment and follow-up directions and use restrictions as found above.

WARRANTY: To the extent consistent with applicable law, seller makes no warranty, expressed or implied, concerning the use of this product other than indicated on the label. Buyer assumes all risk of use and/or handling of this material when such use and/or handling is contrary to label instructions. (081910)

STORAGE AND DISPOSAL

Do not contaminate water, food or feed by storage or disposal. **Pesticide Storage:** Store only in original container in a cool, dry place inaccessible to children and pets. Keep containers closed and away from other chemicals. **Pesticide Disposal:** Wastes resulting from the use of this product may be placed in trash or delivered to an approved waste disposal facility. **Container Handling:** Nonrefillable container. Do not reuse or refill this container. Dispose of empty container by placing in trash, at an approved waste disposal facility or by incineration or, if allowed by state and local authorities, by burning. If burned stay out of smoke.

MATERIAL SAFETY DATA SHEET

SECTION 1 PRODUCT & COMPANY IDENTIFICATION

Rozol® Prairie Dog Bait

EPA Reg. No. 7173-286, **Restricted Use Pesticide**

Other Designation: Anticoagulant rodenticide with Chlorophacinone
Manufacturer: **Liphatech, Inc.**
3600 W. Elm Street, Milwaukee, WI 53209
Emergency Phone: 414-351-1476 Monday-Friday, 8:00 am-4:30 pm CST
After Hours: Call CHEMTREC at 1-800-424-9300

SECTION 2 INGREDIENT INFORMATION

Hazardous Ingredient:	CAS Number:	OSHA PEL:	ACGIH TLV:	ACGIH STEL:
Chlorophacinone	3691-35-8	Not assigned	Not assigned	Not assigned

SECTION 3 HAZARDS IDENTIFICATION

Emergency Overview: May be harmful if swallowed or absorbed through the skin, because this material may reduce the clotting ability of the blood and cause bleeding.

Primary Entry Routes: Oral (swallowing), dermal (absorption through skin)

Acute Effects (Signs and Symptoms of Overexposure):

- **Eyes:** May cause temporary eye irritation.
- **Skin:** May be harmful if absorbed through skin. Symptoms of toxicity include lethargy, loss of appetite, reduced blood clotting ability and bleeding.
- **Inhalation:** Due to this product's solid form, inhalation is unlikely.
- **Ingestion:** May be harmful if swallowed. Symptoms of toxicity include lethargy, loss of appetite, reduced clotting ability of blood, and bleeding.

Chronic Effects: Prolonged and/or repeated exposure to small amounts of product can produce cumulative toxicity. Symptoms of toxicity include lethargy, loss of appetite, reduced clotting ability of blood, and bleeding.

Medical Conditions Aggravated by Exposure: Bleeding disorders

Target Organs: Blood

Carcinogenicity: Contains no known or suspected carcinogens.

HMIS: Health – 2, Flammability – 0, Reactivity – 0

SECTION 4 FIRST AID MEASURES

Eyes: Flush with water. Get medical attention if irritation persists.

Skin: Wash with soap and water. Get medical attention if irritation persists.

Inhalation: If inhaled, remove person to fresh air and Get medical attention.

Ingestion: Call a physician or poison control center immediately. Have the product label available for medical personnel to read.

Induce vomiting under the direction of medical personnel. Drink 1 or 2 glasses of water and induce vomiting by touching the back of throat with finger. If syrup of ipecac is available, give 1 tablespoon (15 ml) followed by 1 or 2 glasses of water. If vomiting does not occur within 20 minutes, repeat this dosage once. Do not induce vomiting or give anything by mouth to an unconscious person.

Note to Physician: This rodenticide contains an anticoagulant ingredient. If ingested, administer vitamin K_1 intramuscularly or orally, as indicated in bishydroxycoumarin overdoses. Repeat as necessary based on monitoring of prothrombin times.

For information on this pesticide product (including health concerns, medical emergencies, or pesticide incidents) call the National Pesticide Information Center at 1-800-858-7378.

SECTION 5 FIRE FIGHTING MEASURES

NFPA

Flash Point:	None
Autoignition Temp.:	Not determined
Explosive Limits:	LEL: Not applicable UEL: Not applicable
Extinguishing Media:	Use media suitable for the surrounding fire
Unusual Fire or Explosion Hazards:	None known
Fire Fighting Instructions:	Firefighters should wear self-contained breathing apparatus (full facepiece) and full protective clothing. Contain runoff to prevent pollution.

SECTION 6 ACCIDENTAL RELEASE MEASURES

Large Spill/Leak Procedures: Isolate and contain spill. Limit access to the spill area to necessary personnel. Do not allow spilled material to enter sewers, streams or other waters. Scoop up spilled material and place in a closed, labeled container for use or disposal.

Small Spills: Scoop up material for use according to label instructions.

SECTION 7 STORAGE AND HANDLING

Storage Requirements: Store in original container in a cool, dry area out of reach of children, pets and domestic animals. Do not contaminate water, food or feed. Keep container tightly closed. Do not remove or destroy the product label.

Handling Precautions: Read the entire product label before using this rodenticide. Carefully follow all cautions, directions and use restrictions on the label. Avoid contact with eyes, skin or clothing.

SECTION 8 EXPOSURE CONTROLS/ PERSONAL PROTECTION

Ventilation: Special ventilation is not required for the normal handling and use of this product when following the label instructions.

Protective Clothing/Equipment: Wear gloves when handling bait.

Respirator: None required when used according to label instructions.

Contaminated Equipment: Damaged or unwanted bait stations and bait holders should be wrapped in paper and discarded in trash.

Comments: Never eat, drink or smoke in work areas. Practice good personal hygiene after using this product. Wash arms, hands and face with soap and water after handling this product, and before eating and smoking. Launder contaminated clothing separate from street clothes.

SECTION 9 PHYSICAL & CHEMICAL PROPERTIES

Physical State:	Solid particles	**Water Solubility:**	Negligible
Color:	Green	**% Volatile (Volume):**	Not applicable
Odor:	Raw grain odor	**Specific Gravity:**	1.25 g/cc
Melting Point:	Not available	**Vapor Pressure:**	Not applicable
Boiling Point:	Not applicable	**Vapor Density:**	Not applicable
Freezing Point:	Not applicable	**pH:**	Not applicable

SECTION 10 STABILITY AND REACTIVITY

Stability: Stable

Conditions to Avoid: None

Hazardous Polymerization: Will not occur

Chemical Incompatibilities: None

Hazardous Products of Decomposition: Oxides of carbon

SECTION 11 TOXICOLOGICAL INFORMATION

Eye Effects/Eye Irritation:	Mild, transient irritant
Acute Oral Effects:	LD_{50} (oral-rat): >5000 mg/kg
Acute Inhalation Effects:	No data available
Acute Dermal Effects:	LD_{50} (dermal-rabbit): >2000 mg/kg
Skin Irritation:	Non-irritating
Skin Sensitization:	Not a skin sensitizer

SECTION 12 ECOLOGICAL INFORMATION

This product is toxic to fish and wildlife. Do not apply this product directly to water, where surface water is present or to intertidal areas below the mean high water mark. Carefully follow label cautions and instructions to reduce hazards to children, pets and non-target wildlife.

SECTION 13 DISPOSAL CONSIDERATIONS

Disposal: Wastes resulting from the use of this product according to the label instructions must be disposed of as specified on the product label.

RCRA Waste Status: This product is not regulated as a hazardous waste under RCRA. State and local regulation may affect the disposal of this product. Consult your state or local environmental agency for disposal of waste generated other than by use according to label instructions.

SECTION 14 TRANSPORT INFORMATION

Transportation Data (49 CFR): This product is not regulated as a hazardous material for all modes of transportation within the U.S.

Hazard Class: Not applicable **ID No.:** Not applicable

SECTION 15 REGULATORY INFORMATION

TSCA: All components of this product are listed on the TSCA inventory.

SARA Section 313: Contains no reportable components.

OSHA Hazard Classification: Chronic health hazard.

Proposition 65: Contains no components subject to warning requirement.

SECTION 16 OTHER INFORMATION

Prepared by: T. Schmit **Date:** 5/12/2011

Information presented on this Material Safety Data Sheet is believed to be accurate at the time of publication. No warranty, expressed or implied, is made with regard to this information. This information may not be adequate for every application, and the user must determine the suitability of this information due to the manner/conditions of use, storage or local regulation.

COLORADO
DEPARTMENT OF AGRICULTURE

700 Kipling Street, Suite 4000
Lakewood, CO 80215-8000
303-239-4100 ♦ Fax 303-239-4125
www.colorado.gov/ag

John T. Salazar, Commissioner
James C. Miller, Deputy Commissioner

John Hickenlooper
Governor

June 22, 2011

Attention: Team Leader – Debra Rate (Team 9)
Risk Integration, Minor Use and Emergency Response Branch
U.S. EPA Office of Pesticide Programs (7505P)
Room S4900, One Potomac Yard
2777 Crystal Drive

Dear Ms. Rate:

Enclosed please find information regarding the Section 24(c) – Special Local Needs Registration actions taken by this Department.

Colorado has approved the following 24(c) application from Liphatech, Inc.:

- CO-110002. Rozol Prairie Dog Bait (EPA reg. no. 7173-286). For application by mechanical bait placement machine that allows hand-positioning of application tube.
  - Active ingredient: chlorophacinone 0.005%
  - Date issued: June 17, 2011
  - Expiration Date: March 15, 2012.
    - Use period begins on October 1, 2011

Enclosed are the following pertaining to CO-110002:

1. Completed EPA application form 8570-25.
2. SLN label for CO-110002, Rozol Prairie Dog Bait for application by mechanical bait placement machine that allows hand-positioning of application tube. This is still a draft label, but it is only missing the CLN number. (Still waiting for final label from Liphatech).
3. Current marketplace section 3 label for Rozol Prairie Dog Bait (EPA reg. no. 7173-286).
4. Material Safety Data Sheet for Rozol Prairie Dog Bait.

We have also referenced and used observations on bait location in the following two reports that Liphatech has provided previously to EPA. Since these have assigned MRID numbers, we have not included additional copies.

1. MRID # 47267701. Field Efficacy and Hazards of Rozol Bait for Controlling Black-Tailed Prairie Dogs (*Cynomys ludovicianus*). Lee and Hygnstrom. Completion date of July 26, 2007.
2. MRID # 48387001. Statistical Analysis of Bait Placement in a Prairie Dog Efficacy Study, Charles Lee, Study completion date of January 28, 2011. 88 pages.

The two reports listed above and provided to us by Lipatech included assessments taken 1 to 7 days after application, on Rozol bait observed in and around prairie dog burrows. We prepared our own data summary from the raw data sheets provided in Lee and Hygnstrom (2007):

5. Comparison of Bait location and amount for Rozol Prairie Dog Bait, applications made by hand vs. applications made with application equipment. Laura Quakenbush, June 13, 2011.

DESCRIPTION OF SPECIAL LOCAL NEED:

The primary need for this SLN it to reduce exposure of applicators to chlorophacinone, and thus reduce the human health risks of using Rozol Prairie Dog Bait ("Rozol PDB").

The Rozol PDB label states:

- CAUTION: Harmful if swallowed or absorbed through the skin because it may reduce the clotting ability of blood and cause bleeding.
- Do not get in eyes on skin or on clothing. All handlers (including applicators) must wear shoes plus socks, and gloves.
- Remove PPE immediately after handling this product. Wash the outside of gloves before removing.
- As soon as possible, wash hands thoroughly after applying bait....

The MSDS for Rozol PDB states:

- May be harmful if swallowed or absorbed through skin....
- Chronic effects: Prolonged or repeated exposure to small amounts of product can produce cumulative toxicity. Symptoms of toxicity include lethargy, loss of appetite, reduced clotting of blood, and bleeding.

The section 3 label for Rozol Prairie Dog Bait ("Rozol PDB") includes the following restriction on the label:

- "Only use for ....application methods specified on this label."
- **Application method**: Hand application of bait, at least 6 inches down prairie dog burrows. This Bait may only be used in underground applications. **Do not apply bait on or above ground level.....**
- **Application**: Apply ¼ cup (53 grams or nearly 2 ounces) of bait at least 6 inches down active prairie dog burrows. **Make sure no bait is left on the soil surface at the time of**

application. Applicator must retrieve and dispose of any bait that is spilled above ground or placed less than 6 inches down the burrow entrance.

Rozol PDB is used during the winter months (Oct 1 through March 15) on Colorado rangeland and adjacent non-cropland. The times when such applications can be made will be limited by weather conditions. Many rangeland areas will be inaccessible during periods of heavy snowfall or muddy conditions. For applications over larger areas of land, applicators will be traveling in an ATV or other vehicle, regardless of application method. Applicators complying with the "by hand" label restriction will quickly become more fatigued as they dismount, scoop up bait from an open bucket, place it down a burrow with their hand, and remount the ATV. If an open bucket is not secured, it could tip over or fall off, resulting in a large spill of bait that would be difficult to clean up completely.

Applications may need to be made under windy conditions. This means that attempts at "hand" applications can result in wind blowing any loose bait powder into an applicators face and clothing or even blowing the wheat bait out of a hand.

Applications may also need to be made under cold or even sub-freezing temperatures. Applicators will need to wear warm gloves and even then may struggle with keeping enough hand dexterity for accurate "hand applications". If they are literally using their "hand" to handle bait, they risk contaminating the steering wheel and other surfaces of the ATV. The label instructs applicators to "remove PPE immediately after handling this product. Wash the outside of gloves before removing". This will be difficult to do repeatedly prior to remounting the ATV, especially under below-freezing temperatures. If they try to repeatedly take gloves off without washing the outside of the glove first, they will likely end up contaminating the skin on both hands. Under cold winter conditions, they will need to be wearing bulkier "cold-weather" gloves or risk frost-bite.

In contrast, using the ATV-mounted mechanical equipment that we are familiar with, the bait supply will be secured inside of a hopper, bait amount will be accurately measured with a calibrated mechanical system, a moveable and sometimes flexible tube can be positioned over or into the burrow, and bait can be delivered at sufficient velocity to shoot it deeply into the burrow. There will be little or no direct exposure of the applicator to the bait.

The Colorado SLN allows application by mechanical bait placement machines but also requires that the application tube be hand-positioned, that the end of the application tube must be no more than 6 inches above soil surface when bait is released, and must direct bait into prairie dog holes such that all bait is placed 6 inches or more below the surface.

Some commercial applicators may be heavily involved in Rozol PDB applications during winter months, so they risk exposure to chlorophacinone for many hours a day several days in a row during favorable "weather" windows. Thus they risk chronic exposure if they are forced to use "hand applications only". Allowing use of mechanical bait placement equipment will reduce

applicator exposure while still maintain the same accuracy of bait placement as "hand applications".

An additional justification is to reduce risks from the "hand application" method specified on the label, from repeated need for an applicator to stoop down and stick his/her hand six inches or more down into a prairie dog burrow. This will increase risk of back injury or knee injury (or other repetitive motion injury). This could also increase risk of bites from fleas or snakes (including rattle snakes). However, snakes are unlikely to be active during the winter months.

THE USE ALLOWED UNDER THIS SLN IS SUBSTANTIALLY SIMILAR IN COMPOSITION AND USE PATTERN TO A FEDERALLY REGISTERED PRODUCT. Therefore, we do not believe that Colorado is required to make an Unreasonable Adverse Effects Determination.

However, since we are aware of EPA's concerns that applications with mechanical equipment may result on more bait being left on or near the surface than hand applications, we considered this carefully. Regardless of application method, any bait left on or near the surface is a label violation.

We looked closely at the "bait monitoring" results of the efficacy study conducted by Lee and Hygnstrom (2007). This study looked at Rozol PDB applied to 10 prairie dog colonies. It turns out that at 4 of these sites, bait was applied only by hand, while at 3 sites, application was made only with mechanical equipment. The other sites used a mixture of hand and mechanical methods, so we did not include these sites in our evaluation. We made our own data summary from the raw data sheets on bait placement observations for these 7 sites. A complete report is enclosed (Quakenbush, 2011).

The mechanical equipment used in this study did not have the "hand-positioned" application tube that Colorado's SLN requires. The study protocol stated that no bait was left on or near the soil surface, regardless of method. If this is true, than observations of bait location shouldn't have had any relationship to application method. Instead, these observations of bait outside of the prescribed application site 6" down the burrow would be due to movement of bait by the prairie dogs (or other wildlife).

This study demonstrated how quickly bait was consumed, presumably by prairie dogs. No bait could be seen in or near about half the burrows 1 day after application, which dropped quickly by 7 days to less than 10% of burrows. Most of the bait seen was still 6 inches below the surface and was rarely seen on the surface. Even for the "worst case" colony, by 5 days after application the amount of bait that was seen "off-target" was less than 4% of the amount applied.

The risk from initial off-target bait placement is for primary poisoning (e.g. poisoning of wildlife species that directly consumed bait). The risk from initial misplacement of small amounts of

bait on or near the surface may be less important than the amount of bait that may be moved upwards by prairie dogs. The key to reducing primary non-target poisoning is to apply the bait when prairie dogs are active and eager to consume the bait. The other bait alternative, zinc phosphide bait, is applied on the surface, not down into the burrow.

Based on responses we have received from the FWS, risks of secondary poisoning (e.g. predator/scavenger wildlife eat other wildlife that has consumed poison bait) seems to be of much higher concern to FWS than risks of primary poisoning of grain-eating wildlife. For example, the 10/10/2006 FWS letter to CDA stated "if it is necessary to control prairie dogs, the Service believes that zinc phosphide would be the appropriate rodenticide to use, with less environmental hazards to non-target species." Zinc phosphide used in Colorado for black-tailed prairie dog control likely has a higher risk of primary poisoning than Rozol, since zinc phosphide is surface applied, has problems with bait aversion, and can be applied several months earlier in the year than Rozol PDB.

The bait monitoring done by Lee and Hygnstrom (2007) shows how quickly Rozol PDB is consumed by prairie dogs, and that small amounts of bait end up being moved closer to the surface by the prairie dogs regardless of initial bait placement. Whether or not some small portion of bait is left on or near the surface at the time of application would have little effect on risks of primary or secondary poisoning.

SPECIFIC INFORMATION ON ENDANGERED SPECIES:

In general, potential impacts on **Black-footed ferret** are a concern for prairie dog baiting. However, all of the black-tailed prairie dog colonies in Colorado have been block-cleared for this endangered species

Preble's meadow jumping mouse hibernates from November until May, so there is very little temporal overlap with Rozol PDB applications.

Piping plover nesting habitat in Colorado is sandy lakeshore beaches, sandbars within riverbeds and even sandy wetland pastures. They feed on a variety of beech-dwelling invertebrates. Habitat does not overlap with black-tailed prairie dogs and they do not feed on grain.

Least Tern (interior population) has bred in the southeastern portion of Colorado. Habitat is on sandy or pebbly beaches, and they feed exclusively on small fish. No habitat overlap occurs with black-tailed prairie dogs, and they do not feed on grain.

Mexican Spotted owls tend to live in forested canyons. Important prey includes woodrats, deer mice and voles. This species is not likely in the open prairie preferred by prairie dogs. Risk of secondary poisoning is unlikely to be influenced by minor differences in bait placement that might occur with mechanical vs. hand applications.

Canada Lynx are found in dense sub-alpine forests and willow-choked corridors along mountain streams and avalanche chutes. This species would be very unlikely to visit the open prairie preferred by prairie dogs. Risk of secondary poisoning is unlikely to be influenced by minor differences in bait placement that might occur with mechanical vs. hand applications.

If you have any questions or comments, I can be reached at 303-239-4147.

Sincerely,

Laura S. Quakenbush, Ph.D.
Pesticide Registration Coordinator

Enclosures

cc: Peg Perreault, USEPA Region VIII
Tom Schmit, Liphatech, Inc.
Craig McLaughlin, Colorado Division of Wildlife
Laura Archuleta, Fish and Wildlife Service, Colorado Local Office

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

June 23, 2011

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Colorado Department of Agriculture
Pesticide Registration
700 Kipling Street, Ste. 4000
Lakewood, CO 80401

ATTN: Laura Quakenbush, Coordinator

Dear State Agency:

The Office of Pesticide Programs acknowledges receipt of the Section 24(c) application/notification for CO110002.

The package is being forwarded to the Product Manager for review.

To ensure that the Agency receives proper notification of your 24(c) applications/notifications it is necessary to use the correct mailing address. All new 24(c) applications should be sent to the following:

Document Processing Desk (SLN)
Office of Pesticide Programs -7504P
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

If you have any questions concerning the administrative screening of the package please contact the Front End Unit at (703)305-5780.

Sincerely,

Barbara Purnell

Front End Processing Staff
Information Services Branch
Information Technology & Resources Management Division

24(C) CHECKLIST

STATE: COLORADO

DATE REGISTERED: 06-17-2011

SPECIFIC SPECIAL LOCAL NEED: _____

SLN NO. CO110002

90-DAY DATE: 09-17-2011

SITE: _____

PEST/PROBLEM: _____

1. Is the State certified to issue this type of registration? _____
2. Was the EPA Application/Notification Form submitted? _____
3. Was all the required information included on the form? _____
4. Was a confidential formula submitted (for new products)? _____
5. Is this registration for a "CHANGED USE PATTERN" _____
6. Has an FR document been prepared for this "CHANGED USE PATTERN"? _____
7. Tolerances required? _____ Established? _____ Citation: _____
8. Full labeling being used? _____ Supplemental directions? _____
9. Does label state "FOR DISTRIBUTION AND USE ONLY WITHIN (State)? _____
10. Does full label comply with 40 CFR 162.10, as follows:

    a. Product name, brand or trademark? _____
    b. Name and address of registrant? _____
    c. Net contents? _____
    d. Product registration number? _____
    e. Producing establishment number? _____
    f. Ingredient statement? _____
    g. Precautionary labeling? _____
    h. Directions for use for special local need? _____
    i. Use classification? _____

    Was proper format followed? _____

11. Is supplemental directions for use labeling satisfactory? _____
12. Was supplemental labeling compared with EPA-registered label? _____

COMMENTS: _____

1. SLN No. CO11000 02 2. PM 09 3. Action Code _____

4. State Issue Date

0	6	1	7	1	1

5. Date Received by EPA

0	6	2	3	1	1

6. Date Received by PM

7. Chemical Name _____

8. Chemical Code _____

9. Use _____

10. Reviews requested:

	Date Sent	Date Due	Date Returned	Response Code	Response Date
HED					
EFB					
RCB					
EEB					
TB					
RD					
S					
Precaution Labeling Chemistry					
Efficacy					

11. Status _____

_____

12. Final Action: Response Code _____

Response Date

Created February 9, 2009